

Selendy|Gay

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The parties shall submit supplemental briefing addressing the implications of this development and the new record evidence on the pending motion to dismiss. In their briefs, the parties should address, among other things, whether -- *if* the Court were to find that Article III standing was lacking at the time this action was filed (an issue on which the Court intimates no view at this time) -- these developments can and do cure such defect.

April 17, 2024

Unless and until the Court orders otherwise, Plaintiff shall file its brief, not to exceed ten pages, no later than **April 29, 2024**. Defendant shall file its brief, also not to exceed ten pages, no later than **May 6, 2024**. No reply will be accepted absent prior leave granted by the Court.

Via ECF

Hon. Jesse M. Furman
United States District Court for the
Southern District of New York
40 Foley Square
New York, New York 10007

SO ORDERED.



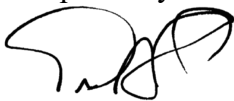
April 18, 2024

Re: UMB Bank, N.A. v. Bristol Myers Squibb Company, No. 21 Civ. 4897 JMF

Dear Judge Furman,

We write on behalf of Plaintiff UMB, solely in its capacity as Trustee under the Contingent Value Rights (“CVR”) Agreement, to provide the Court with record evidence that was unavailable as of UMB’s Opposition to BMS’s Motion to Dismiss, ECF No. 97. The Opposition proved UMB’s proper appointment as Trustee on multiple independent grounds. In addition, the CVR holders have now obtained proxies from Cede & Co. (the Registered Holder and Nominee for the Depository Trust Company) for UMB’s appointment as Trustee as of **both December 9 and 18, 2020** – reflecting the will of the CVR holders both then and now. Decl. of Maria Ginzburg, April 12, 2024, ¶¶ 3-5. UMB received proxies for 383,840,296 CVRs, representing **51.6% of Outstanding CVRs**, as of December 9, 2020, and 385,857,617 CVRs, representing **51.87% of Outstanding CVRs**, as of December 18, 2020. *Id.* ¶¶ 7-8; CVR Agreement § 1.1.¹ This incontrovertibly reconfirms UMB’s appointment as successor Trustee, mooted BMS’s motion to dismiss. *See* CVR Agreement §§ 1.4(a), 4.10(e).

Respectfully submitted,



Philippe Z. Selendy

¹ As of the date of this letter, we are aware of additional CVR holders who are in the process of obtaining proxies from Cede & Co.